UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,965	10/02/2003	Jonathan Oliver	PA3629US	7314

22830 7590 02/05/2008

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER	
REVAK, CHRISTOPHER A	
ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,965	OLIVER ET AL.	
	Examiner	Art Unit	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/21/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on July 21, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite of a computer readable medium and on page 4, lines 3-5, the applicant's specification indicates that the medium can be communication links. The examiner suggest amending the claims to recite of a "computer readable storage medium" to overcome the rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Smithson et al, U.S. Patent 6,802,012.

As per claim 1, Smithson et al teaches of a method for classifying a message, comprising extracting a plurality of reference points; classifying the plurality of reference points; and detecting that the message is a phish message based on the classified reference points (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

As per claim 2, it is disclosed by Smithson et al wherein classifying the plurality of reference points including looking up the plurality of reference points in a database (col. 5, lines 46-65).

As per claim 3, it is taught by Smithson et al wherein detecting that the message is a phish message includes determining that the message includes divergent reference points (col. 5, lines 54-61).

As per claim 4, it is disclosed by Smithson et al wherein detecting that the message is a phish message includes determining that the plurality of reference points includes a first reference point to a first source and a second reference point to a second source (phish message includes determining that the message includes divergent reference points (col. 5, lines 54-61).

As per claim 5, Smithson et al teaches wherein detecting that the message is a phish message includes determining that the plurality of reference points includes a first

reference point to a legitimate source and a second reference point to a questionable source (col. 5, lines 54-61).

As per claim 6, Smithson et al discloses wherein detecting that the message is a phish message includes determining that the plurality of reference points includes a first reference point to a first source and a second reference point to a second source, and the second reference point is intended to appear as a reference to the first source (col. 5, lines 54-61).

As per claim 7, it is taught by Smithson et al of computing a thumbprint of the message and storing the thumbprint to a database (col. 5, lines 46-65).

As per claim 8, it is disclosed by Smithson et al of computing a thumbprint of the message and storing the thumbprint to a database; wherein the database is shared (col. 5, lines 46-65).

As per claim 9, Smithson et al of identifying a plurality of fraud indicators and applying a statistical analysis on the plurality of fraud indicators (col. 5, lines 54-61).

As per claim 10, Smithson et al discloses of quarantining the message (col. 5, line 66 through col. 6, line 4).

As per claim 11, it is taught by Smithson et al of deleting the message (col. 5, line 66 through col. 6, line 4).

As per claim 12, it is disclosed by Smithson et al of providing an alert to a recipient of the message (col. 5, line 66 through col. 6, line 4).

As per claim 13, it is taught by Smithson et al of providing an alert to a recipient indicating that the message is a phish message (col. 5, line 66 through col. 6, line 4).

As per claim 14, Smithson et al discloses of providing an explanation of the phish message to a recipient (col. 5, line 66 through col. 6, line 4).

As per claim 15, Smithson et al teaches of a method for classifying a message, comprising identifying a plurality of fraud indicators in the message; applying a statistical analysis on the plurality of fraud indicators; and determining whether the message is a fraudulent message based on the analysis (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

As per claim 16, it is disclosed by Smithson et al wherein identifying the plurality of fraud indicators includes identifying a raw Internet protocol (IP) address (col. 5, lines 54-61).

As per claim 17, Smithson et al teaches wherein identifying the plurality of fraud indicators includes identifying non-standard encoding in the message (col. 5, lines 54-61).

As per claim 18, it is disclosed by Smithson et al wherein identifying the plurality of fraud indicators includes identifying a link with an embedded user name (col. 5, lines 54-61).

As per claim 19, it is taught by Smithson et al wherein identifying the plurality of fraud indicators includes identifying a misleading link (col. 5, lines 54-61).

As per claim 20, Smithson et al discloses wherein identifying the plurality of fraud indicators includes identifying a mismatched link name (col. 5, lines 54-61).

As per claim 21, Smithson et al teaches wherein identifying the plurality of fraud indicators includes identifying a form in the message (col. 5, line 66 through col. 6, line 4).

As per claim 22, Smithson et al discloses wherein identifying the plurality of fraud indicators includes identifying a form in the message that requests special information (col. 5, line 66 through col. 6, line 4).

As per claim 23, it is disclosed by Smithson et al wherein identifying the plurality of fraud indicators includes identifying suspect content in the message (col. 5, lines 54-61).

As per claim 24, it is disclosed by Smithson et al wherein applying a statistical analysis on the plurality of fraud indicators includes obtaining a score based on the fraud indicators (col. 5, lines 54-61).

As per claim 25, Smithson et al teaches of a system for classifying a message, comprising a processor configured to extract a plurality of reference points, classify the plurality of reference points, and detect that the message is a phish message based on the classified reference points; and a memory coupled with the processor, wherein the memory is configured to provide the processor with instructions (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

As per claim 26, Smithson et al discloses of a computer program product for classifying a message, the computer program product being embodied in a computer readable medium and comprising computer instructions for extracting a plurality of reference points; classifying the plurality of reference points; and detecting that the

message is a phish message based on the classified reference points (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

As per claim 27, it is taught by Smithson et al of a system for classifying a message, comprising a processor configured to identify a plurality of fraud indicators in the message, apply a statistical analysis on the plurality of fraud indicators and determine whether the message is a fraudulent message based on the analysis; and a memory coupled with the processor, wherein the memory is configured to provide the processor with instructions (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

As per claim 28, it is disclosed by Smithson et al of a computer program product for classifying a message, the computer program product being embodied in a computer readable medium and comprising computer instructions for: identifying a plurality of fraud indicators in the message; applying a statistical analysis on the plurality of fraud indicators; and determining whether the message is a fraudulent message based on the analysis (col. 2, lines 49-55; col. 2, line 63 through col. 3, line 4; and col. 5, lines 32-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

February 3, 2008

CHRISTOPHER REVAK
PRIMARY EXAMINER